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October 9, 2003

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

Re: Docket No. 03N-0076

In its proposed notice of advanced rulemaking concerning health and nutrient-content claims related to trans fat, the FDA asks:

\* Is there any information, other than claims or a footnote or disclosure statement, that FDA should consider requiring in labeling that would be more helpful to consumers with respect to cholesterol-raising lipids in maintaining a healthy diet and in getting accurate and reliable nutrition information, or that would help consumers make better use of the information about cholesterol-raising lipids on the label?"

Please consider the following response to that question and the larger issue of using food labels to attract consumers to healthful foods.

We commend the FDA for inviting comments on helping consumers make better use of the food label, at least with regard to cholesterol-raising lipids.

*Unhealthful lipids*

Currently, the Nutrition Facts label provides extremely useful information that is used by millions of Americans daily. However, due to its complexity, position on the side label, and failure to prioritize among the various facts presented, it is not sufficient for the purposes of promoting better food choices and better health. That is especially the case among less-educated people, people with little time to scrutinize and compare labels, and people with poor English skills.

One of the consumer's top priorities when reading the Nutrition Facts label should be the sum of saturated fat and trans fat, which are major contributors to heart disease. However, the text for saturated and trans fat are not emphasized on the current label, and many people do not understand the concept of "% DV."

Because of the importance of limiting saturated and trans fat, the FDA should consider means of highlighting foods that contain substantial amounts of those substances. CSPI suggests that the

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FDA explore the following (and other) approaches:

\* Foods that are high in saturated and trans<sup>1</sup> fat should bear a special notice on the *fronts* (principal display panels) of package labels. For servings of products that provide 20% or more of the saturated-fat DV per serving, the notice should state: “This food is high in saturated [and trans] fat, which promotes heart disease.” That language should be presented within a designated symbol.

\* The FDA should require the Nutrition Facts label to highlight the presence of high levels of saturated (and trans) fat. On foods that contain 20% or more saturated fat (together with trans fat, as discussed above) per serving, the lines for saturated and trans fat (when the product contains 1 g or more of those fats) should be printed in **boldface** to attract the consumer’s attention. To clarify why the text is emphasized, the word “high,” should be printed in an attention-getting manner, such as by using white lettering on a black (or other dark color) oval.

A similar approach could be used to highlight the presence of large amounts of calories, sodium, or cholesterol.

### *Good Food Symbol*

Beyond highlighting the presence in a food of harmful nutrients like saturated fat, the FDA should make it a high priority to study other approaches to using the food label to help consumers choose the most-healthy foods. It would be enormously beneficial to ordinary consumers—people who are less facile with nutrition facts than the government and academic scientists and lawyers who developed the Nutrition Facts label—to be able to identify at a glance those foods that are particularly healthy (though not necessarily “perfect”). Ideally, the front labels of qualifying foods—and the retail displays of fruits, vegetables, nuts, and other unpackaged healthy foods—would be allowed to bear a symbol signifying that they are healthy foods. A starting point for developing criteria for qualifying foods could be FDA’s definitions for low fat, low saturated fat, and low sodium. The program we envision would be entirely voluntary and without cost to companies. If such labels became popular, even a young child could be sent to the grocery store, told to buy only foods with that symbol, and be relied upon to bring home healthy foods.

The notion of a “good food” symbol is not novel. Consider:

- Several supermarkets have developed criteria for better foods and use packaging or signage to inform their customers. Ukrop’s Super Markets, based in Richmond, Virginia, applies a “Ukrop’s Makes it Good for U” label on a variety of foods that it cooks or

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<sup>1</sup> For the purposes of this measure, the number of grams of trans fat should be added to the number of grams of saturated fat, with the sum divided by 20 grams to give a % DV. That should be acceptable to the FDA, because in its Final Rule on the labeling of trans fat, the FDA recognizes that trans fat is at least as conducive to heart disease as saturated fat.

markets that meet criteria for fat and sodium

([http://www.ukrops.com/good\\_for\\_u/good\\_for\\_u2.asp](http://www.ukrops.com/good_for_u/good_for_u2.asp)). Wegmans Food Markets, based in Rochester, New York, uses a bright yellow label stating "Food You Feel Good About" on foods with less than specified amounts of fat, saturated fat, and sodium; with at least a certain amount of nutrients; and other criteria, depending on the food category (<http://www.wegmans.com/kitchen/ingredients/fyfga/fyfga1.asp>).

- The American Heart Association (as well as the heart associations in Canada and elsewhere) certifies foods that are heart-healthy and allows a special heart-check symbol to be printed on labels of foods that meet the criteria (<http://www.americanheart.org/presenter.jhtml?identifier=4973>). The criteria are slightly different for seafood, meat, and poultry than for other foods. That this is a fee-based program and operated by a private entity undoubtedly limits its attractiveness to food processors.
- Sweden has criteria, which vary by food category, for healthful foods and allows the use of a "key-hole" symbol on products that meet the relevant criteria [see Attachment 1; Åke Bruce, MD. Swedish contribution to a chapter in "Implementing Dietary Guidelines," ed. Verner Wheelock; Blackie Academic & Professional (Chapman & Hall), London, 1997].




According to the Swedish government, most foods that meet the criteria bear the symbol. The Swedish approach easily could be adapted to American concerns and the nature of the American food supply.

- The National Heart Foundation of New Zealand sponsors a more-limited program. Its "Pick the Tick" program allows breads, breakfast cereals, and margarines that have less than a given amount of sodium and sugar and at least a given amount of fiber to bear a special logo. It is a fee-based program.

I can think of no more important food-labeling measure than a “good food” symbol, based on well-chosen criteria (including positive and negative attributes of foods), and urge the FDA to invite public comment on it.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Jacobson". The signature is written in a cursive style with a long, sweeping underline.

Michael F. Jacobson, Ph.D.  
Executive Director

Attachment 1  
Swedish Key-Hole Labeling: Criteria

Milk. The fat content should be 0.5 g or less per 100 g,

"Natural" fermented milk. The fat content should be 1.5 g or less per 100 g, and sugar should not have been added.

Fermented milk with added sugar and/or jam etc. The fat content should be 0.5 g or less per 100 g

Skimmed milk-powder. The fat content of the product for sale should be 1.5 g or less per 100 g,

Cottage cheese. The fat content should be 4 g or less per 100 g.

Processed cheese and whey products. The fat content should be 10 g or less per 100 g.

Other types of cheese. The fat content should be 17 g or less per 100 g.

Margarine, minarine and similar cooking fats. The fat content should be 41 g or less per 100 g.

Edible ices. The fat content should be 6 g or less per 100 g.

Unmixed (whole) meat products and minced meat. The fat content of the product for sale should be 10 g or less per 100 g.

Mixed meat products, incl. sausages. The fat content of the product for sale should be 15 g or less per 100 g.

Bread, biscuits, rusks, pasta products and breakfast cereals. At least half of the cereal components should be wholemeal flour or the product should contain at least 7% dietary fibre (dry weight).

Flour, cereals and grains. The product should be based on wholemeal grain or contain at least 11% dietary fibre (dry weight).

Breakfast cereals. The product should contain at least 2/3 wholemeal grain or at least 9% dietary fibre (dry weight) and contain less than 13% sugar.

"Ready-to-eat" foods; entire meals; restaurant dishes, based on meat, fish or vegetables and with potato, rice or pasta. The fat content of the product - as a dish - should be 30 percent of energy or less.

*[Åke Bruce, MD. Swedish contribution to a chapter in "Implementing Dietary Guidelines," ed. Verner Wheelock; Blackie Academic & Professional (Chapman & Hall), London, 1997.]*